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SENATE BILL 135

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO REIMBURSEMENT FOR OUT-OF-STATE TRAVEL; ALLOWING REIMBURSEMENT FOR OUT-OF-STATE TRAVEL ON LEGISLATIVE BUSINESS FOR LEGISLATORS WHO ARE NOT ON A PRIMARY OR GENERAL ELECTION BALLOT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 10-8-5 NMSA 1978 (being Laws 1978, Chapter 184, Section 4, as amended) is amended to read:

"10-8-5. RESTRICTIONS--RULES.--

A. The secretary may promulgate rules for state agencies and local public bodies for the purpose of carrying out the provisions of the Per Diem and Mileage Act. Public officials of public post-secondary educational institutions and employees of public post-secondary educational institutions shall be subject to the rules of their governing boards.

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1 B. Public funds may be advanced to ~~[any]~~ a public
2 officer or employee before the travel occurs only with prior
3 written approval of the secretary, the secretary's designee,
4 the local public body or the governing board or its designee.
5 This restriction shall not prohibit the use of authorized
6 credit cards in connection with purchases necessary to the use
7 of vehicles owned by the state, a local public body or a public
8 post-secondary educational institution or for food, lodging or
9 transportation as permitted by the department of finance and
10 administration or the governing board. Public funds shall be
11 paid ~~[out under the Per Diem and Mileage Act]~~ only upon
12 vouchers duly presented with any required receipts attached
13 ~~[thereto]~~. For employees authorized to receive public funds in
14 advance of travel, payment shall be received only upon vouchers
15 submitted with attached authorization for each travel period.
16 For public officers or employees using authorized credit cards,
17 vouchers with required receipts for each month's travel
18 expenses shall be submitted as a condition to receiving
19 authorization to use the credit card for the next month's
20 travel. Travel expenses may also be advanced if the travel is
21 to be performed under provisions of federal or private
22 contracts and the funds used are not derived from taxes or
23 revenues paid to the state or any of its political
24 subdivisions.

25 C. The secretary may reduce the rates set for the

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1 per diem and mileage for any class of public officials and for
2 employees of state agencies, except public officials of public
3 post-secondary educational institutions, at any time the
4 secretary deems it to be in the public interest, and ~~[such]~~ the
5 reduction shall not be construed to permit payment of any other
6 compensation, perquisite or allowance. The secretary shall
7 exercise this power of reduction in a reasonable manner and
8 shall attempt to achieve a standard rate for all public
9 officers and employees of the same classification. The
10 secretary may, at the request of ~~[any]~~ a state agency and for
11 good cause shown, reduce the rates of per diem and mileage for
12 that state agency. The governing body of ~~[any]~~ a local public
13 body may eliminate or may reduce the rates set for the per diem
14 and mileage for all or any class of public officials and
15 employees of the local public body at any time the local public
16 body deems it to be in the public interest, and ~~[such]~~ the
17 reduction shall not be construed to permit payment of any other
18 compensation, perquisite or allowance. The local public body
19 shall exercise this power of reduction in a reasonable manner
20 and shall attempt to achieve a standard rate for all public
21 officers and employees of the same classification. The
22 secretary may, in extraordinary circumstances and with the
23 prior approval of the state board of finance in public meeting,
24 allow actual expenses rather than the per diem rates set in the
25 Per Diem and Mileage Act.

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1 D. The governing board or its designee may reduce
2 the rates set for the per diem and mileage for public officials
3 of public post-secondary educational institutions and for
4 employees of public post-secondary educational institutions at
5 any time the governing board deems it to be in the public
6 interest, and [~~such~~] the reduction shall not be construed to
7 permit payment of any other compensation, perquisite or
8 allowance. The governing board shall exercise this power of
9 reduction in a reasonable manner and shall attempt to achieve a
10 standard rate for public officers and employees of public post-
11 secondary educational institutions. The governing board may
12 reduce the rates of per diem and mileage for its public post-
13 secondary educational institution and may, in extraordinary
14 circumstances and in public meeting, allow actual expenses
15 rather than the per diem rates set in the Per Diem and Mileage
16 Act.

17 E. No reimbursement for out-of-state travel shall
18 be paid to [~~any~~] an elected public officer [~~including any~~
19 ~~member of the legislature~~] if after the last day to do so that
20 officer has not filed a declaration of candidacy for reelection
21 to the public officer's currently held office or has been
22 defeated for reelection to the public officer's currently held
23 office in a primary [~~election~~] or [~~any~~] general election.

24 F. Subsection E of this section does not apply to
25 [~~any~~] an elected public officer who is ineligible to serve

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1 another term after serving the public officer's term in office.

2 G. Subsection E of this section does not apply to
3 ~~[legislators whose travel has been approved by a three-fourths'~~
4 ~~vote of the New Mexico legislative council at a regularly~~
5 ~~called meeting]~~ members of the legislature.

6 H. ~~[Any]~~ A person who is not an employee, appointee
7 or elected official of a county or municipality and who is
8 reimbursed under the provisions of the Per Diem and Mileage Act
9 in an amount that singly or in the aggregate exceeds one
10 thousand five hundred dollars (\$1,500) in ~~[any]~~ one year
11 ~~[shall]~~ is not ~~[be]~~ entitled to further reimbursement under the
12 provisions of that act until the person furnishes in writing to
13 the person's department head or, in the case of a department
14 head or board or commission member, to the governor or, in the
15 case of a member of the legislature, to the New Mexico
16 legislative council, an itemized statement on each separate
17 instance of travel covered within the reimbursement, the place
18 to which traveled and the executive, judicial or legislative
19 purpose served by the travel."

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